



This Recommended Order and Decision became the Order and Decision of the Illinois Human Rights Commission on 5/07/02.

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)	
)	
MAYA WORD,)	
)	
Complainant,)	
)	
and)	CHARGE NO: 1999SF0491
)	EEOC NO: 21B991303
MIDWEST HERITAGE INN OF)	ALS NO: S-11146
SPRINGFIELD, INC. d/b/a)	
SPRINGFIELD FAIRFIELD INN,)	
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

This matter comes to me on review of the record in this matter. My review reveals it has been over thirteen months since Complainant has filed a pleading in this case and over nine months since Respondent has filed a pleading in this case. On December 7, 2001, I issued an Order requiring Complainant to contact this office on or before January 15, 2002 with her intent to proceed with her case. Complainant did not respond or comply with the Order. The order also contained a warning to Complainant that her case against Respondent may be dismissed with prejudice without further notice if she failed to respond or comply with the Order. To date, Complainant has not complied with the Order or requested additional time to do so.

Findings of Fact

1. On July 13, 1999, Complainant filed a charge of discrimination against Respondent with Illinois Department of Human Rights (Department).
2. On January 6, 2000, the Department filed a Complaint of Civil Rights Violation on Complainant's behalf alleging the Complainant was aggrieved by practices of race discrimination, prohibited by section 2-102(A) of the Illinois Human Rights Act.

3. On March 8, 2000, Respondent timely filed an Answer to the Complaint.
4. From March 8, 2000 until March 16, 2001 Complainant and Respondent engaged in discovery.
5. On March 16, 2001, Complainant's counsel, Mary Lee Leahy, withdrew from the case as Complainant's counsel.
6. On April 9, 2001, Ms. Leahy's motion to withdraw was granted and Complainant was reminded she would represent herself unless and until she found substitute counsel.
7. On April 19, 2001, Respondent filed a status report as was previously directed in an Order dated February 20, 2001. Complainant, proceeding pro se, did not file a report or a response to Respondent's report.
8. On December 7, 2001, an Order issued that provided the address of the Commission's Springfield office and required Complainant to contact the office on or before January 15, 2002 with her intent to proceed with this case. The Order also warned Complainant the case may be dismissed if she failed to comply with the Order.
9. Complainant did not file an intent to proceed on or before January 15, 2002.
10. Complainant has not contacted the Commission or Respondent in over thirteen months and has failed to file the required statement of intent to proceed with her case.

Conclusions of Law

1. Complainant and Respondent are both subject to the Illinois Human Rights Act and to the Jurisdiction of the Illinois Human Rights Commission.
2. A complaint may be dismissed when a party fails to comply with orders, fails to appear for hearings, or otherwise protracts and impedes the prosecution of his or her case.

Determination

The Complaint and underlying Charge of discrimination should be dismissed with prejudice for Complainant's unreasonable delay and failure to prosecute this matter.

Discussion

The procedural rules of the Illinois Human Rights Commission authorize the Commission to dismiss a case where a Complainant fails to comply with orders, fails to appear for hearings, or otherwise protracts and impedes the prosecution of his or her case. *56 Ill. Admin. Code, ch. XI, § 5300.750(e)*.

In this case it is clear that Complainant has protracted the prosecution of her case. An Order was issued to Complainant on December 7, 2001 seeking her confirmation of her intent to proceed with her case. However, despite an opportunity to apprise the Commission of her intent to prosecute her case and a warning of impending dismissal, Complainant has not contacted the Commission in over fourteen months. Under these circumstances, it is apparent Complainant has no interest in pursuing her claim against Respondent and that a dismissal is now warranted.

Recommendation

Based on the findings of fact and conclusions of law, I recommend that the Complaint of Maya Word v. Midwest Heritage Inn of Springfield, Inc. d/b/a Springfield Fairfield Inn, together with the underlying Charge number 1999SF0491 be dismissed with prejudice due to Complainant's failure to prosecute her claim.

ILLINOIS HUMAN RIGHTS
COMMISSION

KELLI L. GIDCUMB
Administrative Law Judge
Administrative Law Section

ENTERED THIS 8TH DAY OF MARCH, 2002.